



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy. Both parties participated in the conference call hearing.

Issue to be Decided

Should the notice to end tenancy be set aside?

Background and Evidence

The parties agreed that on or about May 24 the tenant was served with a one month notice to end tenancy. The notice alleges that the tenant has repeatedly paid rent late and has caused extraordinary damage to the rental unit. The parties further agreed that the tenant paid rent late 6-7 times since December 2009.

Analysis

Residential Tenancy Policy Guideline #38 provides that in order to establish grounds to end a tenancy for repeated late payment of rent, the landlord must prove that the tenant has paid rent late at least 3 times. I find that the landlord has met that burden and accordingly I decline to set aside the notice to end tenancy. It is unnecessary for me to address the second cause alleged on the notice.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55, upon the request of a landlord,

I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The tenant's claim is dismissed and the landlord is granted an order of possession effective July 31, 2010.

Dated: July 14, 2010

Dispute Resolution Officer